

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

LAETHEM EQUIPMENT COMPANY,  
LAETHEM FARM SERVICE COMPANY  
MICHAEL T. LAETHEM and MARK E.  
LAETHEM,

Plaintiffs,

v.

Case No: 05-10113-BC  
Honorable David M. Lawson

DEERE & COMPANY,

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO BAR EXPERT TESTIMONY**

This matter is before the Court on the defendant's motion seeking to exclude the plaintiffs' expert, Thomas Schwartzenberger, from testify at trial. The Court has reviewed the parties' submissions and heard oral argument in open court on June 15, 2006. The Court announced its decision from the bench and denied the defendant's motion.

Accordingly, it is **ORDERED** that the defendant's motion [dkt # 56] is **DENIED without prejudice** for the reasons stated on the record. The Court's ruling is not definitive, and the defendant may renew its objection at trial. *See* Fed. R. Evid. 103.

s/David M. Lawson

DAVID M. LAWSON

United States District Judge

Dated: June 15, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on June 15, 2006.

s/Tracy A. Jacobs

TRACY A. JACOBS